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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/572,797	04/23/2007	Detlev Wittmer	WITT3007/FJD	4926

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EXAMINER

NOLAND, THOMAS

ART UNIT	PAPER NUMBER
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2856

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/572,797	Applicant(s) WITTMER, DETLEV	
	Examiner Thomas P. Noland	Art Unit 2856	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 October 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 6-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 9 and 11 is/are rejected.
- 7) ☒ Claim(s) 6-8 and 10 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 October 2008 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>20060322</u> . | 6) <input type="checkbox"/> Other: _____ |

1. The amendment filed Oct. 8, 2008 has been entered. The delay in this action is regretted.

2. Claims 6-11 are objected to because of the following informalities:

In claim 6 in line 1 after " module " - - - (ST1) - - - should be inserted to better comply with 37 CFR 1.75 (a) and a period should be inserted at the end of line 9. In claims 7 and 8, lines 1 and 11 of each, after " module " - - - (ST1) - - - should be inserted. In claim 9, line 1 after " module " - - - (ST2) - - - should be inserted. In claim 10, lines 1 and 3 after " module " - - - (ST1) - - - should be inserted. In claim 11, in line 1 "in claim", first occurrence only, should be deleted and in lines 1 and 2 after " module " - - (ST2) - - should be inserted. Appropriate correction is required.

3. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's admitted prior art in view of Matby EP 433995.

Applicant's admitted prior art as set forth on page 2 of the specification discloses the combination of a pluggably connected sensor module and sensor module head which exchange data and energy via a galvanically decoupled transfer zone. This combination can be defined as a pluggable module since it contains pluggable components or alternatively adding it into a pluggable system or having plugs added thereto would have been obvious because they are well known connection expedients. It differs from the claimed system in not having a simulation unit connected as claimed thereto. However such would have been an obvious expedient to aid in testing the system in view of the teaching of such a simulation unit by the testing system of Matby.

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Note the abstract and Fig. 2 therein. Making such a unit a part of pluggable component would have been an obvious expedient in view of the well known convenience of pluggability. The signal processing claimed appears conventional and could obviously have been used if desired.

4. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's admitted prior art in view of Matby as applied to claim 9 above, and further in view of Lee US 5,844,472. Neither Applicant's admitted prior art nor Matby disclose having the pluggable module be in a key ring pendant. However such would have been obvious to one of ordinary skill in the art to allow for ease of portability and ready availability and in view of the use of plug in modules held by key rings as evidenced by the teachings of Lee especially in Figs. 1, 3 and 4 and col. 5, lines 55-65.

5. The prior art and non prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The cited references show the use of plug in modules, attachable pendants with plug in features and/or are English equivalents of references cited by Applicant or in the PCT.

6. Claims 6-8 and 10 would be allowable over the prior art of record if amended as suggested in paragraph 2 above.

7. Applicant's arguments filed Oct. 8, 2008 have been fully considered but they are not persuasive.

Applicant's arguments re amended claim 9 and new claim 11 are believed adequately addressed in the rejection. Applicant's arguments regarding claims 6-8 in combination with the amendments thereto and the assumption that they were intended to read as

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suggested in paragraph 2 above were however persuasive. Applicant's arguments regarding claim 10 are moot in view of the above holding with respect to claim 6.

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. Exr. Le Boulluec has left the office. Therefore:

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tom Noland whose telephone number is (571) 272-2202. The examiner can normally be reached on weekdays from 9:00 to 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Hezron E. Williams, can be reached on (571) 272-2208.

The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to 2800 Customer Service at (571) 272-2815.

**/Thomas P. Noland/
Primary Examiner
Art Unit 2856**

Jan. 14, 2009